

2. A person initially applying for a license shall successfully complete a professional education program containing the subject matter specified in this section, before the initial action by the board of educational examiners takes place.

Sec. 2. Section 272.25, subsection 1, Code 1999, is amended to read as follows:

1. A requirement that each student admitted to an approved practitioner preparation program must participate in field experiences that include both observation and participation in teaching activities in a variety of school settings. These field experiences shall comprise a total of at least fifty hours' duration, at least ~~forty ten~~ forty hours of which shall occur ~~after~~ prior to a student's ~~admission to acceptance in~~ an approved practitioner preparation program. The student teaching experience shall be a minimum of twelve weeks in duration during the student's final year of the practitioner preparation program.

Sec. 3. BOARD OF EDUCATIONAL EXAMINERS PILOT PROGRAM STUDY. The board of educational examiners shall develop and implement a one-year pilot study to assess the performance of teacher education graduates in the areas of content and pedagogy using a standardized, national assessment, which may be modified to meet the information needs of the board. The purpose of the pilot study is to measure an education graduate's knowledge in the graduate's chosen major field and the graduate's attained level of pedagogy, to establish baseline data on graduates, and to determine whether successful completion of a standardized assessment should be required of all education graduates prior to initial licensure. Individual assessment results from this study shall not prohibit an individual from receiving an initial teaching license under this chapter if the individual meets all other qualifications for licensure. By January 15, 2001, the board of educational examiners shall submit its recommendations in a report summarizing the results of the pilot study to the chairpersons and ranking members of the senate and house standing education committees and of the joint subcommittee on education appropriations.

Approved May 27, 1999

CHAPTER 192

CHILD CARE — MISCELLANEOUS PROVISIONS

H.F. 761

AN ACT relating to child care provisions administered by the department of human services and to the terminology used to describe child care, and including effective dates and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I CHAPTER 237A REWRITE

Section 1. Section 237A.1, Code 1999, is amended to read as follows:
237A.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Administrator" means the administrator of the division of the department designated by the director to administer this chapter.
2. "Child" means a person under eighteen years of age.

3. "Child care center" or "center" means a facility providing child ~~day~~ care or preschool services for seven or more children, except when the facility is registered as a ~~family day child care home or group day care home~~.

4. "Child ~~day~~ care" means the care, supervision, ~~or~~ and guidance of a child by a person other than the child's parent, guardian, ~~relative~~, or custodian for periods of less than twenty-four hours per day per child on a regular basis ~~in a place other than the child's home~~, but does not include care, supervision, ~~or~~ and guidance of a child by any of the following:

a. An instructional program for children who are attending prekindergarten as defined by the state board of education under section 256.11 or a higher grade level and are at least four years of age administered by a any of the following:

(1) A public or nonpublic school system accredited by the department of education or the state board of regents, ~~or a~~

(2) A nonpublic school system which is not accredited by the department of education or the state board of regents.

~~b.~~ A program provided under section 279.49 or 280.3A.

~~b.~~ c. A Any of the following church-related programs:

(1) An instructional program of not more than one day per week.

(2) A youth program other than a preschool, before or after school child care program, or other child care program.

(3) A program providing care to children on church premises while the children's parents are attending church-related or church-sponsored activities on the church premises.

~~e.~~ d. Short-term classes of less than two weeks' duration held between school terms or during a break within a school term.

~~d.~~ e. A child care center for sick children operated as part of a pediatrics unit in a hospital licensed by the department of inspections and appeals pursuant to chapter 135B.

~~e.~~ f. A nonprofit program operated not more than one day per week by volunteers for no charge which meets all of the following conditions:

(1) Not more than eleven children are served per volunteer.

(2) The program operates for not more less than two four hours during any twenty-four hour twenty-four-hour period.

(3) The program is provided at no cost to the children's parent, guardian, or custodian.

~~f.~~ A program provided by the state or a political subdivision, which provides recreational classes for a period of less than two hours per day.

g. A program administered by a political subdivision of the state which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.

~~h.~~ An instructional program administered by a nonpublic school system which is not accredited by the department of education or the state board of regents.

h. An after school program continuously offered throughout the school year calendar to children who are at least five years of age and are enrolled in school, and attend the program intermittently. The program must be provided through a nominal membership fee or at no cost.

i. A special activity program which meets less than four hours per day for the sole purpose of the special activity. Special activity programs include but are not limited to music or dance classes, organized athletic or sports programs, recreational classes, scouting programs, and hobby or craft clubs or classes.

j. A nationally accredited camp.

k. A structured program for the purpose of providing therapeutic, rehabilitative, or supervisory services to children under any of the following:

(1) A purchase of service or managed care contract with the department.

(2) A contract approved by a local decategorization governance board created under section 232.188.

(3) An arrangement approved by a juvenile court order.

1. Care provided on-site to children of parents residing in an emergency, homeless, or domestic violence shelter.

5. "Child day care facility" or "facility" means a child care center, ~~group day care home preschool, or a registered family day child care home.~~

6. "Child care home" means a person or program providing child care as a family child care home or a group child care home as authorized under section 237A.3.

7. "Children receiving care on a part-time basis" means children who are present in a child care home for ninety hours per month or less.

6. 8. "Department" means the department of human services.

7. 9. "Director" means the director of human services.

8.* a. "Family day child care home" means a person or program which provides child day care to less than seven children at any one time or to less than twelve children at any one time as authorized by section 237A.3, subsection 1.

b. "Group day child care home" means a facility providing child day care for more than six but less than twelve children as authorized in accordance with section 237A.3, subsection 2, or for less than sixteen children at any one time as authorized in accordance with section 237A.3, subsection 3.

11. "Infant" means a child who is less than twenty-four months of age.

9. 12. "Licensed center" means a center issued a full or provisional license by the department under the provisions of this chapter or a center for which a license is being processed.

10. "Low income family" means a family whose monthly gross income is less than the lower of:

a. Eighty percent of the median income of a family of four in this state adjusted to take into account the size of the family; or

b. The median income of a family of four in the fifty states and the District of Columbia adjusted to take into account the size of the family.

11. 13. "Preschool" means a child day care facility which provides to children ages three through five, for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, social skills, and motor skills, and to extend their interest and understanding of the world about them.

12. "Relative" means a person who by marriage, blood, or adoption is a parent, grandparent, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, or guardian.

14. "School" means kindergarten or a higher grade level.

13. 15. "State child day care advisory council" means the state child day care advisory council established pursuant to sections 237A.21 and 237A.22.

Sec. 2. Section 237A.2, Code 1999, is amended to read as follows:

237A.2 LICENSING OF CHILD CARE CENTERS.

1. A person shall not establish or operate a child care center without obtaining a license under the provisions of this chapter. A center may operate for a specified period of time, to be established by rule of the department, if application for a license has been made. If the department denies an application for an initial license, notwithstanding section 17A.8, the applicant center shall not continue to provide child care pending the outcome of an evidentiary hearing. The department shall issue a license if it determines that all of the following conditions have been met:

1. a. An application for a license or a renewal has been filed with the administrator on forms provided by the department.

2. b. The center is maintained to comply with state health and fire laws.

3. c. The center is maintained to comply with rules ~~promulgated~~ adopted under section 237A.12.

2. A person denied a license under the provisions of this section shall receive written notice of the denial stating the reasons for denial and shall be provided with an opportunity for an evidentiary hearing. Licenses granted under this chapter shall be valid for one year

* Subsection probably intended to be renumbered as 10

from the date of issuance unless revoked or suspended in accordance with the provisions of section 237A.8 or reduced to a provisional license under subsection 3. A record of the license shall be kept by the department. The license shall be posted in a conspicuous place in the center and shall state the particular premises in which child ~~day~~ care may be offered and the number of individuals who may be received for care at any one time. ~~No~~ A greater number of children than is authorized by the license shall not be kept in the center at any one time.

3. The administrator may reduce a previously issued license to a provisional license or issue a provisional license for a period of time not to exceed one year if the center does not meet standards required under this section. A provisional license shall not be renewable in regard to the same standards for more than two consecutive years. A provisional license shall be posted in a conspicuous place in the center as provided in this section. If written plans to bring the center up to standards, giving specific dates for completion of work, are submitted to and approved by the department ~~promulgating the regulations~~, the provisional license shall be renewable as provided in this subsection.

4. A program which is not a child care center by reason of the exceptions to the definition of child ~~day~~ care in section 237A.1, subsection 4, but which provides care, supervision, ~~or~~ and guidance to a child may be issued a license if the program complies with all the provisions of this chapter.

5. If the department has denied or revoked a license because the applicant or person has continually or repeatedly failed to operate a licensed center in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not own or operate a child care center for a period of six months from the date the license is denied or revoked. The department shall not act on an application for a license submitted by the applicant or person during the six-month period.

Sec. 3. Section 237A.3, Code 1999, is amended to read as follows:

237A.3 REGISTRATION OF ~~FAMILY AND GROUP DAY~~ CHILD CARE HOMES.

1. a. A person who operates or establishes a family ~~day~~ child care home may apply to the department for registration under this chapter. The department shall issue a certificate of registration upon receipt of a statement from the family ~~day~~ child care home that the home complies with rules adopted by the department. The registration certificate shall be posted in a conspicuous place in the family ~~day~~ child care home, shall state the name of the registrant, the number of individuals who may be received for care at any one time, and the address of the home, and shall include a check list of registration compliances.

b. No greater number of children than is authorized by the registration certificate shall be kept in the family ~~day~~ child care home at any one time. However, a registered or unregistered family ~~day~~ child care home may provide care for more than six but less than twelve children at any one time for a period of less than two hours, provided that each child in excess of six children is attending school in kindergarten or a higher grade level.

c. A family ~~day~~ child care home may provide care in accordance with this subsection for more than six but less than twelve children for two hours or more during a day with inclement weather following the cancellation of school classes. The home must have prior written approval from the parent or guardian of each child present in the home concerning the presence of excess children in the home pursuant to this paragraph. The home must have a responsible individual, age fourteen or older, on duty to assist the home provider when more than six children are present in accordance with the provisions of this paragraph. In addition, one or more of the following conditions shall apply to each child present in the home in excess of six children:

(1) The home provides care to the child on a regular basis for periods of less than two hours.

(2) If the child was not present in the family ~~day~~ child care home, the child would be unattended.

(3) The home regularly provides care to a sibling of the child.

d. In determining the number of children cared for at any one time in a registered or unregistered family ~~day child~~ care home, if the person who operates or establishes the home is a child's parent, guardian, ~~relative~~, or custodian and the child is not attending school in kindergarten or a higher grade level or is not receiving child ~~day~~ care full-time on a regular basis from another person, the child shall be considered to be receiving child ~~day~~ care from the person and shall be counted as one of the children cared for in the home.

e. The registration process may be repeated on an annual basis.

f. A child ~~day~~ care home provider or program which is not a family ~~day child~~ care home by reason of the definition of child ~~day~~ care in section 237A.1, ~~subsection 4~~, but which provides care, supervision, or guidance to a child may be issued a certificate of registration under this chapter.

2. a. A person shall not operate or establish a group ~~day child~~ care home unless the person obtains a certificate of registration under this chapter. Two persons who comply with the individual requirements for registration as a group ~~day child~~ care provider may request that the certificate be issued to the two persons jointly and the department shall issue the joint certificate provided the group ~~day child~~ care home requirements for registration are met. All other requirements of this chapter for registered family ~~day child~~ care homes and the rules adopted under this chapter for registered family ~~day child~~ care homes apply to group ~~day child~~ care homes. In addition, the department shall adopt rules relating to the provision in group ~~day child~~ care homes for a separate area for sick children. In consultation with the state fire marshal, the department shall adopt rules relating to the provision of fire extinguishers, smoke detectors, and two exits accessible to children.

b. Except as provided in subsection 3, a group ~~day child~~ care home shall not provide child ~~day~~ care to more than eleven children at any one time. If there are more than six children present for a period of two hours or more, the group ~~day child~~ care home must have at least one responsible individual who is at least fourteen years of age present to assist the group ~~day child~~ care provider in accordance with either of the following conditions:

(1) If the responsible individual is a joint holder of the certificate of registration, not more than four of the children present shall be less than twenty-four months of age and not more than ten of the children present shall be twenty-four months of age or older but not attending school in kindergarten or a higher grade level.

(2) If the responsible individual is not a joint holder of the certificate of registration, but is at least fourteen years of age, not more than four of the children shall be less than twenty-four months of age and each child in excess of six children shall be attending school in kindergarten or a higher grade level.

3. A registered group ~~day child~~ care home may provide care in accordance with this subsection for more than eleven but less than sixteen children for a period of less than two hours or for a period of two hours or more during a day with inclement weather following the cancellation of school classes. The home must have the prior written approval from the parent or guardian of each child present in the home concerning the presence of excess children in the home. In addition, one or more of the following conditions shall apply to each child present in the home in excess of eleven children during a period of inclement weather:

a. The group ~~day child~~ care home provides care to the child on a regular basis for periods of less than two hours.

b. If the child was not present in the group ~~day child~~ care home, the child would be unattended.

c. The group ~~day child~~ care home provides care to a sibling of the child.

4. A person who operates or establishes a ~~family day care home or a group day child~~ care home and who is a child foster care licensee under chapter 237 shall register with the department under this chapter. For purposes of registration and determination of the maximum number of children who can be provided child ~~day~~ care by the ~~family day care home or group day child~~ care home, the children receiving child foster care shall be considered the children of the person operating the ~~family day care home or group day child~~ care home.

5. If the department has denied or revoked a registration because the applicant or person has continually or repeatedly failed to operate a registered child day care facility in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not own or operate a registered facility for a period of six months from the date the registration is denied or revoked. The department shall not act on an application for registration submitted by the applicant or person during the six-month period.

Sec. 4. Section 237A.3A, subsection 1, Code 1999, is amended to read as follows:

1. PILOT PROJECT. The department shall implement a pilot project applying the provisions of this section to registered family or group day child care homes located in one county of this state. The provisions of this section shall not apply to unregistered family day child care homes located in the pilot project county. The county selected for the pilot project shall be a rural county where there is interest among child day care providers and consumers in implementing the pilot project. ~~In addition, if deemed feasible by the department, During the fiscal year beginning July 1, 1999, the department may shall implement the pilot project in one additional urban or mixed rural and urban county in each of the department's regions where there is interest in implementing the pilot project. The department shall implement the pilot project on or after July 1, 1997. In addition, the department may implement the pilot project in one other county in each of the department's regions where there is interest in implementing the pilot project.~~ If a definition in section 237A.1, a provision in section 237A.3, or an administrative rule adopted under this chapter is in conflict with this section, this section and the rules adopted to implement this section shall apply to the pilot project.

Sec. 5. Section 237A.3A, subsection 2, Code 1999, is amended by striking the subsection and inserting in lieu thereof the following:

2. DEFINITION. For the purposes of this section, unless the context otherwise requires, "child care home" means a person registered under this section to provide child care in a pilot project county.

Sec. 6. Section 237A.3A, subsection 3, paragraph c, Code 1999, is amended to read as follows:

c. A person or program in a pilot project county which provides care, supervision, ~~or~~ and guidance to a child which is not defined as child day care under section 237A.1, may be issued a certificate of registration under this section.

Sec. 7. Section 237A.3A, subsection 3, paragraph d, subparagraph (2), Code 1999, is amended to read as follows:

(2) The rules shall allow a child day care home to be registered at level II, III, or IV for which the provider is qualified even though the amount of space required to be available for the maximum number of children authorized for that level exceeds the actual amount of space available in that child care home. However, the total number of children authorized for the child care home at that level of registration shall be limited by the amount of space available per child.

Sec. 8. Section 237A.3A, subsection 4, paragraph a, Code 1999, is amended to read as follows:

a. The child's parent, guardian, or custodian operates or established the child care home and the child is attending school or the child receives child day care full-time on a regular basis from another person.

Sec. 9. Section 237A.3A, subsection 6, Code 1999, is amended to read as follows:

6. REVOCATION OR DENIAL OF REGISTRATION. If the department has denied or revoked a certificate of registration because a person has continually or repeatedly failed to operate a registered or licensed child day care facility in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not operate or establish a registered child care home for a period of six months from the date the registration or license is denied

or revoked. The department shall not act on an application for registration submitted by the person during the six-month period.

Sec. 10. Section 237A.3A, subsection 11, paragraph c, Code 1999, is amended to read as follows:

c. In addition to the number of children authorized in paragraph "a", not more than four children who attend school may be present for a period of ~~less~~ more than two hours at any one time.

Sec. 11. Section 237A.3A, subsection 12, paragraph f, Code 1999, is amended to read as follows:

f. If more than eight children are present at any one time for a period of more than two hours, the provider shall be assisted by a responsible individual who is at least fourteen years of age.

Sec. 12. Section 237A.4, Code 1999, is amended to read as follows:

237A.4 INSPECTION AND EVALUATION.

The department shall make periodic inspections of licensed centers to ~~insure~~ ensure compliance with licensing requirements provided in this chapter, and the local boards of health may make periodic inspections of licensed centers to ~~insure~~ ensure compliance with health-related licensing requirements provided in this chapter. The administrator may inspect records maintained by a licensed center and may inquire into matters concerning these centers and the persons in charge. The administrator shall require that the center be inspected by the state fire marshal or a designee for compliance with rules relating to fire safety before a license is granted or renewed. The administrator or a designee may periodically visit registered ~~family day child~~ care homes for the purpose of evaluation of an inquiry into matters concerning compliance with rules adopted under section 237A.12. Evaluation of ~~family day child~~ care homes under this section may include consultative services provided pursuant to section 237A.6.

Sec. 13. Section 237A.5, subsections 2, 6, and 7, Code 1999, are amended to read as follows:

2. a. If a person is being considered for licensure or registration under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a child ~~day~~ care facility subject to licensure or registration under this chapter, or if a person will reside in a facility, and if the person has been convicted of a crime or has a record of founded child abuse, the department ~~and the licensee or registrant for an employee of the licensee or registrant~~ shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, registration, employment, or residence in the facility. The department shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

b. If the department determines that a person has committed a crime or has a record of founded child abuse and is licensed, employed by a licensee or registrant or registered under this chapter, or resides in a licensed or registered facility the department shall notify the licensee or registrant that an evaluation will be conducted to determine whether prohibition of the person's licensure, registration, employment, or residence is warranted.

c. In an evaluation, the department ~~and the licensee or registrant for an employee of the licensee or registrant~~ shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The department may permit a person who is evaluated to be licensed, registered, employed, or to reside, or to continue to be licensed,

registered, employed, or to reside in a licensed facility, if the person complies with the department's conditions relating to the person's licensure, registration, employment, or residence, which may include completion of additional training. ~~For an employee of a licensee or registrant, these conditional requirements shall be developed with the licensee or registrant.~~ The department has final authority in determining whether prohibition of the person's licensure, registration, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

d. If the department determines that the person has committed a crime or has a record of founded child abuse which warrants prohibition of licensure, registration, employment, or residence, the person shall not be licensed or registered under this chapter to operate a child ~~day~~ care facility and shall not be employed by a licensee or registrant or reside in a facility licensed or registered under this chapter.

e. If it has been determined that a child receiving child care from a child care facility is the victim of founded child abuse committed by an employee, licensee or registration holder, or resident of the child care facility for which a report is placed in the central registry pursuant to section 232.71D, the administrator shall provide notification at the time of the determination to the parents, guardians, and custodians of children receiving care from the facility. A notification made under this paragraph shall identify the type of abuse but shall not identify the victim or perpetrator or circumstances of the founded abuse.

6. A person who receives public funds for providing child ~~day~~ care and who is not registered or licensed under this chapter and individuals who reside with the person shall be subject to the provisions of subsection 2 as though the person either is being considered for registration or is registered to provide child ~~day~~ care under this chapter. If the person or individual residing with the person would be prohibited from licensure, registration, employment, or residence under subsection 2, the person shall not provide child ~~day~~ care and is not eligible to receive public funds to do so. A person who continues to provide child ~~day~~ care in violation of this subsection is subject to penalty under section 237A.19 and injunction under section 237A.20.

7. A person who serves as an unpaid volunteer in a child ~~day~~ care facility shall not be required to complete training as a mandatory reporter of child abuse under section 232.69 or under any other requirement.

Sec. 14. Section 237A.7, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Anyone who acquires through the administration of this chapter information relative to an individual in a child ~~day~~ care facility or to a relative of the individual shall not, directly or indirectly, disclose the information except upon inquiry before a court of law or with the written consent of the individual or, in the case of a child, the written consent of the parent or guardian or as otherwise specifically required or allowed by law.

Sec. 15. Section 237A.8, Code 1999, is amended to read as follows:

237A.8 SUSPENSION AND REVOCATION VIOLATIONS — ACTIONS AGAINST LICENSE OR REGISTRATION.

The administrator, after notice and opportunity for an evidentiary hearing before the department of inspections and appeals, may suspend or revoke a license or certificate of registration issued under this chapter or may reduce a license to a provisional license if the person to whom a license or certificate is issued violates a provision of this chapter or if the person makes false reports regarding the operation of the child ~~day~~ care facility to the administrator or a designee of the administrator. The administrator shall notify the parent, guardian, or legal custodian of each child for whom the person provides child ~~day~~ care, if the license or certificate of registration is suspended or revoked or if there has been a substantiated child abuse case against an employee, owner, or operator of the child day care facility at the time of action to suspend or revoke a license or certificate of registration.

Sec. 16. Section 237A.12, Code 1999, is amended to read as follows:

237A.12 RULES.

1. Subject to the provisions of chapter 17A, the administrator shall ~~promulgate~~ adopt rules setting minimum standards to provide quality child ~~day~~ care in the operation and maintenance of child care centers and registered ~~family-day~~ child care homes, relating to all of the following:

1- a. The number and qualifications of personnel necessary to assure the health, safety, and welfare of children in the facilities. Rules for facilities which are preschools shall be drawn so that any staff-to-children ratios which relate to the age of the children enrolled shall be based on the age of the majority of the children served by a particular class rather than on the age of the youngest child served.

2- b. Physical facilities.

3- c. The adequacy of activity programs and food services available to the children. The administrator shall not restrict the use of or apply nutritional standards to a lunch or other meal which is brought to the center or ~~family-day~~ child care home by a school-age child for the child's consumption.

4- d. Policies established by the center for parental participation.

5- e. Programs for education and in-service training of staff.

6- f. Records kept by the facilities.

7- g. Administration.

8- h. Health, safety, and medical policies for children.

2. Rules adopted by the state fire marshal for buildings, other than school buildings, used as child care centers as an adjunct to the primary purpose of the building shall take into consideration that children are received for temporary care only and shall not differ from rules adopted for these buildings when they are used by groups of persons congregating from time to time in the primary use and occupancy of the buildings. However, the rules may require a fire-rated separation from the remaining portion of the building if the fire marshal determines that the separation is necessary for the protection of children from a specific flammable hazard.

3. Rules relating to fire safety shall be adopted under this chapter by the state fire marshal in consultation with the department. Rules adopted by the state fire marshal for a building which is owned or leased by a school district or accredited nonpublic school and used as a child ~~day~~ care facility shall not differ from standards adopted by the state fire marshal for school buildings under chapter 100. Rules relating to sanitation shall be adopted by the department in consultation with the director of public health. All rules shall be developed in consultation with the state child ~~day~~ care advisory council. The state fire marshal shall inspect the facilities.

4. If a building is owned or leased by a school district or accredited nonpublic school and complies with standards adopted by the state fire marshal for school buildings under chapter 100, the building is considered appropriate for use by a child ~~day~~ care facility. The rules adopted by the administrator under this section shall not require the facility to comply with building requirements which differ from requirements for use of the building as a school.

5. Standards and requirements set by a city or county for a building which is owned or leased by a school district or accredited nonpublic school and used as a child ~~day~~ care facility shall take into consideration that children are received for temporary care only and shall not differ from standards and requirements set for use of the building as a school.

Sec. 17. Section 237A.19, unnumbered paragraph 2, Code 1999, is amended to read as follows:

A If registration is required under section 237A.3, a person who establishes, conducts, manages, or operates a ~~group-day~~ child care home without registering under this chapter or a person who operates a ~~family-day~~ child care home contrary to section 237A.5, is guilty of a simple misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, is a separate offense. A single charge alleging continuing violation may be made in lieu of filing charges for each day of violation.

Sec. 18. Section 237A.20, Code 1999, is amended to read as follows:
237A.20 INJUNCTION.

A person who establishes, conducts, manages, or operates a center without a license or a ~~group-day child~~ care home without a certificate of registration, if registration is required under section 237A.3, may be restrained by temporary or permanent injunction. A person who has been convicted of a crime against a person or a person with a record of founded child abuse may be restrained by temporary or permanent injunction from providing unregistered, registered, or licensed child ~~day~~ care. The action may be instituted by the state, the county attorney, a political subdivision of the state, or an interested person.

Sec. 19. Section 237A.21, Code 1999, is amended to read as follows:
237A.21 STATE CHILD ~~DAY~~ CARE ADVISORY COUNCIL.

1. A state child ~~day~~ care advisory council is established consisting of not more than thirty-five members from urban and rural areas across the state. The membership shall include, but is not limited to, all of the following persons or representatives with an interest in child ~~day~~ care: a licensed center, a registered ~~family-day child~~ care home from a county with a population of less than twenty-two thousand, an unregistered ~~family-day child~~ care home, a parent of a child in child ~~day~~ care, appropriate governmental agencies, and other members as deemed necessary by the director. The members are eligible for reimbursement of their actual and necessary expenses while engaged in performance of their official duties.

2. Members shall be appointed by the director from a list of names submitted by a nominating committee to consist of one member of the state council established pursuant to this section, one member of the department's child ~~day~~ care staff, three consumers of child ~~day~~ care, and one member of a professional child ~~day~~ care organization. Two names shall be submitted for each appointment. Members shall be appointed for terms of three years but no member shall be appointed to more than two consecutive terms. The state council shall develop its own operational policies which are subject to departmental approval.

3. The membership of the council shall be appointed in a manner so as to provide equitable representation of persons with an interest in child ~~day~~ care and shall include all of the following:

- a. Two parents of a child served by a ~~family or group-day~~ registered child care home.
- b. Two parents of a child served by a licensed center.
- c. Two not-for-profit child ~~day~~ care providers.
- d. Two for-profit child ~~day~~ care providers.
- e. Two family ~~day~~ child care home providers.
- f. Two group ~~day~~ child care home providers.
- g. One child ~~day~~ care resource and referral service grantee.
- h. One nongovernmental child advocacy group representative.
- i. One designee of the department of human services ~~or the Iowa department of public health~~.
- j. One designee of the Iowa department of public health.
- k. One designee of the department of education.
- l. One head start program provider.
- l. m. Two legislators appointed in a manner so that both major political parties are represented.

Sec. 20. Section 237A.22, Code 1999, is amended to read as follows:
237A.22 DUTIES OF STATE CHILD ~~DAY~~ CARE ADVISORY COUNCIL.

The state child ~~day~~ care advisory council shall do all of the following:

1. Consult with and make recommendations to the department concerning policy issues relating to child ~~day~~ care.

2. Advise the department concerning services relating to child ~~day~~ care, including but not limited to any of the following:

- a. Resource and referral services.
- b. Provider training.

- c. Quality improvement.
 - d. Public-private partnerships.
 - e. Standards review and development.
3. Assist the department in developing an implementation plan to provide seamless service to recipients of public assistance which includes child day care services. For the purposes of this subsection, "seamless service" means coordination, where possible, of the federal and state requirements which apply to child day care.
4. Advise and provide technical services to the director of the department of education or the director's designee, upon request, relating to prekindergarten, kindergarten, and before and after school programming and facilities.

Sec. 21. NEW SECTION. 237A.24 CHILD CARE TRAINING AND DEVELOPMENT SYSTEM.

1. The departments of education, health, and human services shall jointly establish a leadership council for child care training and development in this state. In addition to representatives of the three departments, the leadership council shall include but is not limited to representatives of community colleges, institutions of higher learning under the state board of regents and private institutions of higher education, the Iowa cooperative extension service in agriculture and home economics, and child care resource and referral service agencies.

2. The charge of the council is to develop a proposal for a statewide child care training and development system and to monitor implementation of the proposal. The purpose of the system is to improve support for persons providing or administering child care services. The system shall be developed in a manner so as to incorporate and enhance existing efforts to provide this support.

3. The proposal for the child care training and development system shall include all of the following elements:

- a. Identification of core competencies for providers and administrators that may be incorporated into professional standards.
- b. Establishing levels for professional development.
- c. Implementing a professional experience registry to track the training, educational attainment, and experience of providers and administrators.
- d. Implementing a unified training and technical assistance approach for identifying needs, ensuring equal access, and establishing minimum requirements for training and trainers.
- e. Establishing an articulation process to permit recognition of training provided by entities that do not grant academic credit by entities that do grant academic credit.
- f. Implementing a financing structure to support the training registry.
- g. Identifying other means for enhancing the training and development of persons who provide and administer child care.

4. The proposal shall include an implementation plan and budget provisions and may provide for implementation through a contract with a private nonprofit agency.

Sec. 22. Section 237A.26, Code 1999, is amended to read as follows:

237A.26 STATEWIDE RESOURCE AND REFERRAL SERVICES — GRANTS.

1. The department shall administer a statewide grant program for child day care resource and referral services. Grants shall only be awarded to community-based nonprofit incorporated agencies and public agencies. Grants shall be awarded to facilitate the establishment of regional resource and referral agencies throughout the state, based upon the distribution of the child population in the state.

2. The department shall provide oversight of and annually evaluate an agency which is awarded a grant to provide resource and referral services to a region.

3. An agency which receives a grant to provide resource and referral services shall perform both of the following functions:

a. Organize assistance to ~~family and group day~~ child care homes utilizing training levels based upon the homes' degrees of experience and interest.

b. Operate in partnership with both public and private interests and coordinate resource and referral services with existing community services.

4. An agency, to be eligible to receive a grant to provide resource and referral services, must match the grant with financial resources equal to at least twenty-five percent of the amount of the grant. The financial resources may include a private donation, an in-kind contribution, or a public funding source other than a separate state grant for child care service improvement.

5. An agency, to be eligible to receive a grant to provide resource and referral services, must have a board of directors if the agency is an incorporated nonprofit agency or must have an advisory board if the agency is a public agency, to oversee the provision of resource and referral services. The board shall include providers, consumers, and other persons interested in the provision or delivery of child ~~day~~ care services.

6. An agency which receives a child care resource and referral grant shall provide all of the following services:

a. Assist families in selecting quality child care. The agency must provide referrals to registered and licensed child ~~day~~ care facilities, and to persons providing care, supervision, ~~or~~ and guidance of a child which is not defined as child ~~day~~ care under section 237A.1 and may provide referrals to unregistered providers.

b. Assist child ~~day~~ care providers in adopting appropriate program and business practices to provide quality child care services.

c. Provide information to the public regarding the availability of child ~~day~~ care services in the communities within the agency's region.

d. Actively encourage the development of new and expansion of existing child ~~day~~ care facilities in response to identified community needs.

e. Provide specialized services to employers, including the provision of resource and referral services to employee groups identified by the employer and the provision of technical assistance to develop employer-supported child ~~day~~ care programs.

f. Refer eligible child ~~day~~ care facilities to the federal child care food programs.

g. Loan toys, other equipment, and resource materials to child ~~day~~ care facilities.

h. Administer funding designated within the grant to provide a substitute caregiver program for registered ~~family and group day~~ child care homes to provide substitute care in a home when the home provider is ill, on vacation, receiving training, or is otherwise unable to provide the care.

7. The department may contract with an agency receiving a child ~~day~~ care resource and referral grant to perform any of the following functions relating to publicly funded services providing care, supervision, ~~or~~ and guidance of a child:

a. Determine an individual's eligibility for the services in accordance with income requirements.

b. Administer a voucher, certificate, or other system for reimbursing an eligible provider of the services.

Sec. 23. Section 237A.27, Code 1999, is amended to read as follows:

237A.27 CRISIS CHILD CARE.

The department shall establish a special child care registration or licensure classification for crisis child care which is provided on a temporary emergency basis to a child when there is reason to believe that the child may be subject to abuse or neglect. The special classification is not subject to the definitional restrictions of child ~~day~~ care in this chapter relating to the provision of child ~~day~~ care for a period of less than twenty-four hours per day on a regular basis. However, the provision of crisis child care shall be limited to a period of not more than seventy-two hours for a child during any single stay. A person providing crisis child care must be registered or licensed under this chapter and must be participating or

have previously participated in the federal crisis nursery pilot project. The department shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 24. Section 237A.28, Code 1999, is amended to read as follows:

237A.28 CHILD ~~DAY~~ CARE CREDIT FUND.

A child ~~day~~ care credit fund is created in the state treasury under the authority of the department of human services. The moneys in the fund shall consist of moneys deposited pursuant to section 422.100 and shall be used for child ~~day~~ care services as annually ~~di-rected~~ appropriated by the general assembly.

Sec. 25. Section 237A.29, Code 1999, is amended to read as follows:

237A.29 STATE AND FEDERAL FUNDING OF CHILD ~~DAY~~ CARE.

State funds and federal funds provided to the state in accordance with federal requirements shall not be used to pay for the care, supervision, ~~or~~ and guidance of a child for periods of less than twenty-four hours per day on a regular basis ~~in a place other than the child's home~~ unless the care, supervision, ~~or~~ and guidance is defined as child ~~day~~ care as used in this chapter.

Sec. 26. REPEAL. 1998 Iowa Acts, chapter 1127, section 4, is repealed.

DIVISION II CONFORMING AMENDMENTS

Sec. 27. Section 232.69, subsection 1, paragraph b, subparagraph (7), Code 1999, is amended to read as follows:

(7) An employee or operator of a licensed child care center or registered ~~group day care home or registered family day~~ child care home.

Sec. 28. Section 234.6, subsection 6, paragraph a, Code 1999, is amended to read as follows:

a. ~~Day~~ Child care for children or day care for adults, in facilities which are licensed or are approved as meeting standards for licensure.

Sec. 29. Section 237.1, subsection 4, paragraph d, Code 1999, is amended to read as follows:

d. Child ~~day~~ care furnished by a child care center, ~~group day care home~~, or ~~family day~~ child care home as defined in section 237A.1.

Sec. 30. Section 256.9, subsection 35, unnumbered paragraph 2, Code 1999, is amended to read as follows:

Standards and materials developed shall include materials which employ developmentally appropriate practices and incorporate substantial parental involvement. The materials and standards shall include alternative teaching approaches including collaborative teaching and alternative dispute resolution training. The department shall consult with the child development coordinating council, the state day child care advisory ~~committee~~ council, the department of human services, the state board of regents center for early developmental education, the area education agencies, the department of child development in the college of family and consumer sciences at Iowa state university of science and technology, the early childhood elementary division of the college of education at the university of Iowa, and the college of education at the university of northern Iowa, in developing these standards and materials.

Sec. 31. Section 256C.3, subsection 5, Code 1999, is amended to read as follows:

5. Training, technical assistance, and other support by the family resource center staff to ~~family day~~ child care home providers in the community. The center may serve as an information and referral clearinghouse for other child care needs and services in the community

and shall coordinate the center's information and efforts with any child care delivery systems that may already exist in the community. The center may also provide an adolescent pregnancy prevention program, and other programs as the community determines, for adolescents emphasizing responsible decision making and communication skills.

Sec. 32. Section 692A.13, subsection 3, paragraph c, unnumbered paragraph 1, Code 1999, is amended to read as follows:

For offenders who have been classified as "at-risk" in this state pursuant to an assessment conducted as provided in subsection 6, the department or a criminal or juvenile justice agency may also release the offender's name, a photograph, locations frequented by the offender, and relevant Iowa criminal history information from the registry to public and private schools, child day care centers, ~~family day~~ child care home providers, businesses, and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups, or to the public at large. The extent of public disclosure of the information shall be rationally related to the following:

Sec. 33. AMENDMENTS TO TERMS "CHILD DAY CARE" AND "DAY CARE" — DIRECTIVE TO CODE EDITOR.

1. Sections 71.5, 71.7, 10A.202, 137F.1, 232.71D, 232.78, 232.188, 235A.15, 239B.7, 239B.8, 239B.10, 256C.3, 279.49, 279.51, 280.3A, 285.1, 298A.12, and 422.100, Code 1999, are amended by striking from the sections the words "child day care" or "child day-care" and inserting in lieu thereof the words "child care".

2. Sections 15.285, 15.329, 217.12, 232.69, 235C.3, 256A.3, 256C.3, 260C.69, and 279.51, Code 1999, are amended by striking from the sections the words "day care" or "day-care" or "Day care" and inserting in lieu thereof, as appropriate, the words "child care" or "Child care".

3. The Code editor shall substitute the words "child care" for the words "child day care" or "child day-care" anywhere in the Code if there appears to be no doubt as to the intent to refer to child care as defined in chapter 237A, as amended by this Act.

4. The Code editor shall substitute the words "child care" for the words "day care" anywhere in the Code if there appears to be no doubt as to the intent to refer to child care as defined in chapter 237A, as amended by this Act.

DIVISION III SEAMLESS CHILD CARE SYSTEM

Sec. 34. Section 239B.7, subsection 3, Code 1999, is amended by striking the subsection.

Sec. 35. NEW SECTION. 239B.24 STATE CHILD CARE ASSISTANCE ELIGIBILITY.

1. The following persons are deemed to be eligible for benefits under the state child care assistance program administered by the department, notwithstanding the program's eligibility requirements or any waiting list:

a. A participant who is employed.

b. Any other person whose earned income is considered in determining eligibility and benefits for a participant.

c. A person who is participating in activities approved under the JOBS program.

2. A person who is deemed to be eligible for state child care assistance program benefits under this section is subject to all other state child care assistance requirements, including but not limited to provider requirements under chapter 237A, provider reimbursement methodology and rates, and any other requirements established by the department in rule.

Sec. 36. STATE CHILD CARE ASSISTANCE ELIGIBILITY IMPLEMENTATION PROVISIONS.

1. Effective July 1, 1999, to implement the repeal of section 239B.7, subsection 3, in accordance with this division of this Act, the department of human services shall eliminate the

child day care deduction used for determining family investment program eligibility and assistance amounts for program participants and applicants.

2. Any person receiving transitional child care program benefits under section 239B.23, Code Supplement 1997, as of June 30, 1999, shall continue to receive the benefits until the person's eligibility expires or the person fails to meet the program's requirements.

3. Implementation of this division is intended to establish a seamless child day care system by revising state requirements for publicly funded child day care benefits so that the requirements are seamless to those receiving the benefits.

4. The department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division and the rules shall become effective immediately upon filing, unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later effective date is specified in the rules. Any rules adopted in accordance with this subsection shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted in accordance with the provisions of this subsection shall also be published as notice of intended action as provided in section 17A.4.

DIVISION IV

REPEAL — EFFECTIVE DATES — APPLICABILITY TRANSITION

Sec. 37.

1. The following transition exception shall apply to child care home providers registering in pilot project counties under section 237A.3A on or after July 1, 1999, and in lieu of the transition exception authorized in 1998 Iowa Acts, chapter 1127, section 4, for child care homes that were under that transition exception prior to July 1, 1999:

a. If a child care home is providing child care to four infants at the time of registration under section 237A.3A, the child care home may continue to provide child care to those four infants. However, if the child care home no longer provides child care to one or more of the four infants or one or more of the four infants reaches the age of twenty-four months, the exception authorized in this subsection shall no longer apply. This exception does not affect the overall limitation on the number of children for which the child care home is authorized to provide child care.

b. If, at the time of registration under section 237A.3A, a child care home is providing child care to school age children in excess of the number of school age children authorized for the registration level, the child care home may continue to provide child care to those children and the child care home provider may exceed the total number of children authorized for the level of registration by the number of school age children in excess of the number authorized for the registration level. This exception is subject to all of the following:

(1) The child care home must comply with the other requirements relating to number of children for which the child care home is authorized to provide child care at that registration level.

(2) The maximum number of children attributable to the authorization for school age children at the applicable registration level is five.

(3) If more than eight children are present at any one time for more than two hours, the child care home provider shall be assisted by a responsible person who is at least fourteen years of age.

(4) If the child care home no longer provides child care to an individual school age child who was receiving child care from the child care home at the time of registration under section 237A.3A, the excess number of children allowed under this exception shall be reduced accordingly.

2. The department of human services shall pursue every available option to secure federal or other funding that may be used to make available additional home child care consultants to assist in the expanded implementation of section 237A.3A pilot projects, as amended by

this Act. If the department is able to secure additional funding for this purpose, the department may expand home child care consultant assistance provided by child care resource and referral services in pilot project counties accordingly.

3. The department of human services shall report to the governor and general assembly concerning the implementation of the expansion of the child care home registration levels pilot project under section 237A.3A, as amended by this Act. The report shall be submitted in January 2000. The department shall work with child care resource and referral services in obtaining more information regarding the effects of the pilot project, including changes in the quantity of registered and unregistered child care home providers and child care slots, amount of turnover in active child care home providers, and reasons for child care home providers changing their registered and unregistered status. The department may utilize survey, interview, or other means to collect the data for the report.

4. The department may submit a proposal to the general assembly for enactment of administratively applied civil penalties for child care registrant or licensee failure to comply with key standards for the operation and maintenance of a child care facility. In developing the proposal, the department shall consult with the state child care advisory council, child care facility providers, families, and other interested parties. The proposal shall specify the offenses or acts which are subject to a civil penalty and the civil penalty amounts.

5. Section 36 of division III of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 38. EFFECTIVE DATE — PROPOSAL SUBMISSION.

1. New Code section 237A.24, as enacted by division I of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The leadership council created pursuant to section 237A.24, as enacted by division I of this Act, shall submit the initial proposal for a child care training and development system to the departments of education, health, and human services by December 31, 1999, so that the three departments may include funding for implementation of the system in the departments' budget recommendations developed for the fiscal year beginning July 1, 2001.

Approved May 27, 1999

CHAPTER 193

FEDERAL BLOCK GRANT APPROPRIATIONS

S.F. 283

AN ACT appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. SUBSTANCE ABUSE APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the Iowa department of public health for the federal fiscal year beginning October 1, 1999, and ending September 30, 2000, the following amount:

..... \$ 11,945,086